UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,293	06/10/2005	Johannes Hakansson	9563-35	1566

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EXAMINER
HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _11 September 2008_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-16_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _10 June 2005_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see response, filed 11 December 2008, with respect to

the rejection(s) of the claim(s) 1-7 under 35 USC §103 have been fully considered and

are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Kang (US

2003/0189647).

2.   The amendments to claim 16 overcome the previous 35 USC §101 rejection

which is hereby withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-5, 7-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Klein et al. (US 7,038,716) in view of Nakami (US 2003/0071903) in

view of Kang (US 2003/0189647).

[claim 8]

        Regarding claim 8, Klein discloses a cellular phone (Figure 2) including an image

sensor, a memory device and a transmitting unit (Figure 5). Klein further discloses that

the memory can store a plurality of "applications" (c. 8, ll. 59-60), but does not explicitly disclose an image effects store and image editor as claimed.

Nakami discloses a system for applying image effects to captured images in which a plurality of image effects are stored in an image effects store (Figures 3 and 5) wherein an image editor is used to generate a new effect for application on digital images based on entries of a user and allowing storing of the effects in an effects file (e.g. a PIM) in the image effects store in a defined standardized image editor independent effects format (Figure 5 and 7; Paragraphs 0062, 0077-0078; note that the effect is stored in a predetermined format which is useable by another machine to process the image data, i.e. the format is standardized between the camera and the printer). Therefore, it would be obvious to include an image effects store and image editor as described by Nakami so that the images captured by the phone of Klein can be processed according to the users wishes when transmitted to a printing device. However, while Nakami discloses selecting an effect to be applied to captured image data, Nakami does not explicitly disclose that the same effect is used for multiple images.

Kang discloses an image capture mode in which multiple images are captured and stored as image data (e.g. Paragraph 0007; Figures 1 and 2). The "burst" mode described by Kang allows for image capture of moving objects. Therefore, it would be obvious to include a burst capture mode in the camera of Klein so that multiple images of moving objects could be captured and stored. It is noted that if such a mode were selected, following the teachings of Nakami, an effect would be selected, image data

including multiple images would be generated and the effect would be associated with

the multiple image data files and later applied (Nakami; Figure 1).

[claim 9]

Regarding claim 9, while Nakami discloses a standardized format, Nakami does

not explicitly disclose the use of XML. Official Notice is taken that the use of XML as a

file format to define options such as the processing options of Nakami is well known in

the art as a easily readable and configurable file format. Therefore, it would be obvious

to use an XML file format for the effects files of Nakami since XML is easily readable

and configurable.

[claim 10]

Regarding claim 10, Nakami discloses storing a file with parameter settings

made by the user (Paragraphs 0083-0088).

[claim 11]

Regarding claim 11, Klein discloses a wireless transmitting unit (Figure 5, Radio).

[claim 12]

Regarding claim 12, Nakami discloses a matrix of calculations to be performed

on an image (Figure 5).

[claim 14]

Regarding claim 14, Nakami discloses an iamge editor which is arranged to

retrieve stored effects files from the image effect store and apply a new effect to the file

(e.g. Paragraphs 0089-0096).

[claims 1-5 and 7]

Claims 1-5 and 7 are method claims corresponding to apparatus claims 8-12 and

14. Therefore, claims 1-5 and 7 are analyzed and rejected as previously discussed with

respect to claims 8-12 and 14.

[claim 15]

Regarding claim 15, see claim 8 above.

[claim 16]

Regarding claim 16, see claims 1 and 8 and further note that the method

described by Nakami may be implemented in a computer program stored on a computer

readable medium (Paragraphs 0025 and 0026).

5.   Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klein et al. (US 7,038,716) in view of Nakami (US 2003/0071903) in view of Moghadam

et al. (US 5,913,088).

[claim 13]

Regarding claim 13, Klein in view of Nakami discloses creating effects to be

applied to images, but does not disclose applying the effect prior to saving.   Moghadam

discloses a similar system in which an image effect to be applied to an image is

previewed by the user (c. 3, ll. 21-43) prior to associating the effect with the image.

Therefore, it would be obvious to create a preview of the effect of Klein in view of

Nakami prior to storing as taught by Moghadam so that the user is able to preview the

results of the effect.

[claim 6]

Claim 6 is a method claim corresponding to apparatus claim 13. Therefore, claim 6 is analyzed and rejected as previously discussed with respect to claim 13.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

       i.   Sarbadhikari et al.   US 5,477,264

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Examiner, Art Unit 2622